

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

CAMERON MEYERS,)	
Plaintiff)	
)	
vs.)	No. 1:20-cv-01922-MJD-SEB
)	
WAL-MART STORES EAST, LP)	
Defendant.)	

PLAINTIFF'S MOTION FOR LEAVE TO AMEND
COMPLAINT FOR DAMAGES

Comes now the Plaintiff, pursuant to Federal Rule of Civil Procedure 15(a)(2), states as follows:

1. On September 22nd, 2020 Defendant Wal-Mart Stores East, LP filed it's answer which identified Harbortown Industries, Inc. as a non-party defendant for purposes of the Indiana Comparative Fault Act, I.C.34-51-2-14. (Defendant's Answer, Document No. 23, ¶15.)
2. Plaintiff seeks to file an amended complaint for damages which names Harbortown Industries, Inc. as a defendant and thereby avoid the "empty chair" defense.
3. Counsel for the Plaintiff has contacted counsel for the Defendant Wal-Mart Stores East, LP and there is no objection to amending the Complaint for Damages to add Harbortown Industries, Inc. as a Defendant.
4. Harbortown Industries, Inc. appears to be a distributor, based in Chicago, Illinois, of picture frames manufactured in China and Hong Kong.

5. Plaintiff's original complaint and proposed amended complaint contain an allegation that the distributors of the picture frame product which allegedly injured Plaintiff are liable to the same extent as the foreign manufacturer, Intco International (HK) Co., LTD pursuant to I.C.34-20-2-4.

6. Plaintiff's proposed amended complaint for damages is attached hereto as Exhibit 1. (See attached Exhibit 1, Proposed Amended Complaint for Damages.)

7. A proposed summons to Harbortown Industries, Inc., an Illinois corporation, is attached hereto as Exhibit 2. (See attached proposed Summons, Exhibit 2.)

8. The Statute of Limitations for Plaintiff's claims does not expire until May 7th, 2021 so there are no issues regarding relation back of this amendment.

9. The Case Management plan requires motions for leave to amend the pleadings and/or join additional parties to be filed on or before October 23rd, 2020 and this motion is made within that deadline. (Case Management Plan, Document 16, ¶ III(D).

10. A proposed Order Granting the Motion for Leave to Amend Complaint for Damages is attached hereto as Exhibit 3. (See attached Exhibit 3, Proposed Order Amending Complaint for Damages.)

WHEREFORE, Plaintiff prays his Motion for Leave to Amend Complaint for Damages be granted and for all other proper relief.

Respectfully submitted,
TOWNSEND & TOWNSEND, LLP

/s/ John F. Townsend, III
John F. Townsend, III - #19600-49
Counsel for Plaintiff, Cameron Meyers

CERTIFICATE OF SERVICE

I certify that on October 15, 2020, a copy of the foregoing **Plaintiff's Motion for Leave to Amend Complaint for Damages** was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the court's electronic filing system. Parties may access this filing through the court's system.

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